RONALD A. UNDERWOOD et al. Application No. 09/512,742 Page 4

<u>REMARKS</u>

The Advisory Action, mailed April 23, 2003, indicated that claims 32-46 remained rejected while claims 52-59 were allowable. By way of this amendment, applicant cancels claims 32-36 without prejudice. The cancellation of these claims is in no way a concession to the outstanding rejection of these claims. Instead, applicant reserves the right to pursue the subject matter of the cancelled claims in any appropriate continuing application.

The accompanying RCE is being submitted after a request for appeal but prior to any decision on the appeal. Accordingly, applicant requests reopening of prosecution of the subject application before the examiner.

Cancellation of the above stated claims is believed to place the subject application in condition for allowance. Accordingly, applicant respectfully request an indication thereof.

SUMMARY

Applicant believes all outstanding issues previously are addressed herein and that the claims are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 736-0224.

Respectfully submitted,

Sanjay S. Bagade Reg. No. 42,280

ArthroCare Corporation 680 Vaqueros Ave. Sumnyvale, CA 94085-3523 (408) 736-0224